

MICHAEL FAILLACE & ASSOCIATES, P.C.  
Michael Faillace [MF-8436]  
110 East 59<sup>th</sup> Street, 32<sup>nd</sup> Floor  
New York, New York 10022  
(212) 317-1200  
*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PABLO ANGAMARCA, JESUS VELASQUEZ,  
MANUEL ANGAMARCA, ANTONIO SANTOS,  
CARLOS AUGUSTO, ROBERTO LOMA, and  
DAVID QUIRIRO, individually and on behalf of  
others similarly situated,

**07 CV 4759 (LLS)(FM)**

**COMPLAINT**

**AFFIDAVIT OF  
SERVICE OF  
SUMMONS AND  
COMPLAINT ON  
ALLAN WARTSKI**

*Plaintiffs,*

-against-

MAC-WAR RESTAURANT CORP. d/b/a HAKATA  
JAPANESE RESTAURANT and ALLAN WARTSKI,

*Defendants.*

STATE OF NEW YORK        )  
                                )  
                                ) ss.:  
COUNTY OF NEW YORK      )

X

DANIEL FOJAS, being duly sworn, deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the State of New York.

That on June 7, 2007 at 9:35 am at 226 W. 47<sup>th</sup> Street, 3<sup>rd</sup> Floor, New York, New York 10036, deponent served the within Summons and Complaint on ALLAN WARTSKI.

SUITABLE AGE PERSON. Service was made in the following manner after deponent was unable with due diligence to serve the Defendant in person: by delivering a true copy of the thereof to PEDRO GARCON, MANAGER, a person of suitable age and discretion at 226 W. 47<sup>th</sup> Street, 3<sup>rd</sup> Floor, New York, New York 10036, the said premises being the Defendant's Place of business within the state of New York. Deponent states that PEDRO GARCON informed deponent, via telephone, to leave said papers personally with KYLE FINCHAM, CALL CENTER EMPLOYEE

MAILING. Deponent completed service under the last two sections by depositing one (1) copy of the Summons and Complaint to ALLAN WARTSKI at 226 W. 47<sup>th</sup>

Street, 3<sup>rd</sup> Floor, New York, New York 10036 in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York on June 7, 2007 via First Class Mail. The mailing was made to the address bearing "PERSONAL AND CONFIDENTIAL" and not indicating "LEGAL ACTION".

Deponent further states that he describes the person actually served as follows:

Sex:	MALE
Skin Color:	WHITE
Hair Color:	BROWN
Eye Color:	BROWN
Age (Approx.):	25
Height (Approx.):	5'8"
Weight (Approx.):	145 LBS

Upon information and belief Deponent avers that the recipient is not in military service of New York or the United States as that term is defined in either the State or in the Federal statutes.



Daniel Fojas

Sworn to before me on this

7<sup>th</sup> day of June, 2007

  
NOTARY

MICHAEL FAILLACE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02FA6120964  
Qualified in New York County  
Commission Expires January 03, 2009